

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

W.P.No.5274/2018

A.Sumathi

..

Petitioner

Vs

- 1.The District Collector
O/o.The Chennai District,
Singaravelar Maligai,
Chennai 600 001.
- 2.The Commissioner
O/o.The Commissioner of Police
Greater Chennai Police
Vepery, Chennai 600 007.
- 3.The Joint Commissioner
O/o.The Joint Commissioner Traffic
Police, Greater Chennai Traffic Police
Vepery, Chennai 600 007.
- 4.The Commissioner
Greater Chennai Corporation
Rippon Building,
Chennai 600 003.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents 1 to 4 to dispose of the petitioner representation dated 26.12.2017 and initiate proceedings on the basis of the petitioner representation and remove the Mariamman Temple situated at 8th Cross Street, Trustpuram, Kodambakkam, Chennai - 24.

For Petitioner : Mr.D.Bharathy

For RR 1 to 3 : Mrs.M.Lalitha, GA

For R4 ; Mr.K.Soundararajan

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mr.K.Soundararajan, learned Standing counsel accepts notice on behalf of the respondents.

2 The petitioner claims to be a resident of Door No.89/22, 8th Cross Street, Trustpuram, Kodambakkam, Chennai 600 024, for the past years and right in front of her property/house, due to influence of political party, suddenly a small temple came into being and in this regard, she has submitted a representation dated 26.12.2017 to the respondents herein for removal of the same and in spite of receipt and acknowledgment of the representation, no action has been taken for removal of the temple and hence, the petitioner came forward to file the present writ petition.

3 The writ petition was entertained on 09.03.2018 and time was granted to file the counter affidavit/getting instructions. Accordingly, the 4th respondent has filed the Report, stating among other things that the jurisdictional Zonal Officer after conducting enquiry, had issued a notice in Ref.Z.O.IX, C.No.A1/5044/2015 dated 01.10.2015 u/s.220 r/w 222 of the Chennai City Municipal Corporation Act, 1919, for removing temple which has been constructed by encroaching upon the road and it was put to challenge by one Mr.Mohan, who is incharge of the temple administration by filing WP.No.35446/2015 and it was dismissed on 17.11.2015 and alleging non-implementation of the earlier order passed in WP.No.2303/2015, the husband of the petitioner filed Contempt Petition in Cont.P.No.1415/2015 and subsequently, it was closed. Very recently, the Zonal Officer, Zone IX, Corporation of Chennai, has issued notice dated 31.03.2018 to the temple authorities u/s.220 read with 222 of the Chennai City Municipal Corporation Act, 1919, calling upon them to remove the encroachment on the public road within seven days from the date of receipt of a copy of this order, failing which the Corporation will remove the same at the cost of the temple authorities.

4 Learned counsel for the petitioner would submit that in the light of paragraph No.8 of the Report of the 4th respondent, appropriate direction may be issued to remove the encroachment in the form of temple on the public road forthwith.

5 Mr.K.Soundararajan, learned Standing counsel appearing for the 4th respondent would submit that the petitioner herself is guilty of putting up unauthorised construction.

6 This Court has considered the rival submissions and also perused the materials placed before it.

7 In the light of the stand taken by the 4th respondent in paragraph No.8 of the Report dated 03.04.2018, the said official shall take immediate and appropriate action as to the removal of the encroachment in the form of temple on the public road within a period of two weeks from the date of receipt of a copy of this order and the respondents 2 and 3 or their subordinate officials, are directed to extend their maximum cooperation in carrying out the said exercise.

8 In the light of the submission made by the learned Standing counsel for the 4th respondent on instructions that the petitioner has also put up unauthorised construction, the Zonal Officer, Zone - IX, Corporation of Chennai, shall put the petitioner on notice and cause inspection of the superstructure bearing Door No.89/22, 8th Cross Street, Trustpuram, Kodambakkam, Chennai 600 024, within a period of four weeks from the date of receipt of a copy of this order and depending upon the result of the inspection, shall take immediate and appropriate action in accordance with law and communicate the decision taken, to the petitioner.

9 The writ petition stand disposed of with the above direction. No costs.

10 Post the writ petition on 26.04.2018 for reporting compliance.

Sd/-
Assistant Registrar(CS III)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

ap

To

1.The District Collector
O/o.The Chennai District,
Singaravelar Maligai,
Chennai 600 001.

WEB COPY

2.The Commissioner
O/o.The Commissioner of Police
Greater Chennai Police
Vepery, Chennai 600 007.

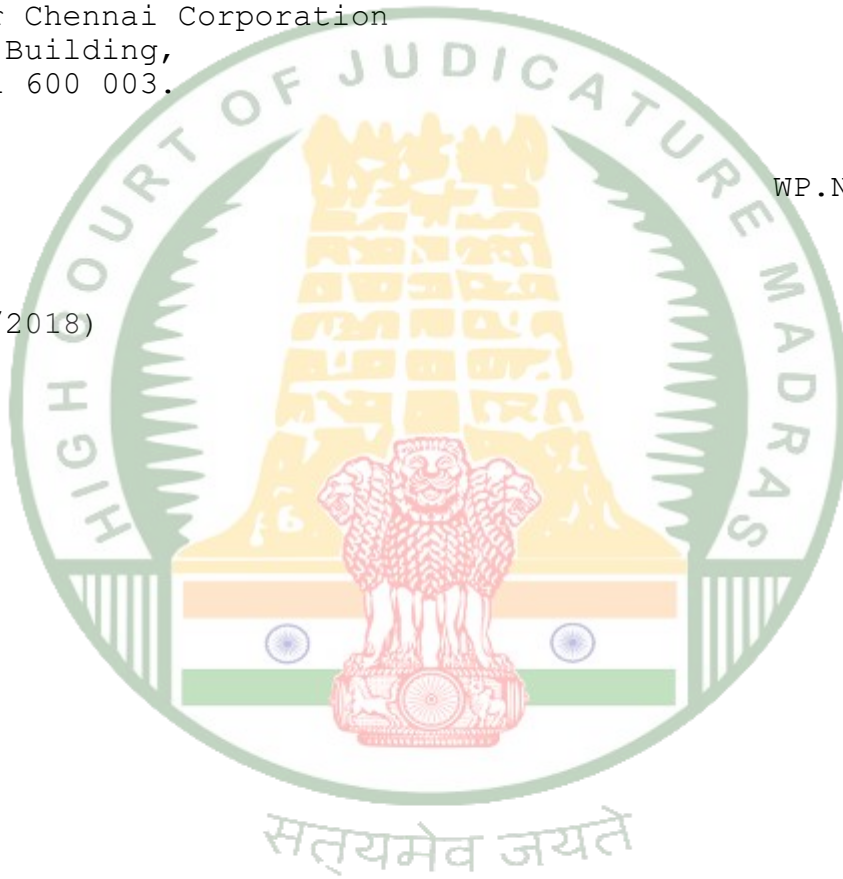
3.The Joint Commissioner
O/o.The Joint Commissioner Traffic
Police, Greater Chennai Traffic Police
Vepery, Chennai 600 007.

4.The Commissioner
Greater Chennai Corporation
Rippon Building,
Chennai 600 003.

WP.No.5274/2018

NMI (CO)

RRK (24/04/2018)



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